

**Nevada Department of Education**  
**Office of Career Readiness, Adult Learning, and Education Options**

**Methods of Administration (MOA) Plan**  
**In response to the 2020 Memorandum of Procedures**



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## BACKGROUND

On February 6, 2020, a Memorandum of Procedures (MOP) was jointly issued by the United States Department of Education Office for Civil Rights (OCR) and Office of Career, Technical, and Adult Education (OCTAE) to continue longstanding commitments to ensure equal access in Career and Technical Education (CTE) programs, encouraging states to harmonize civil rights activities under the Methods of Administration (MOA) and the Carl D. Perkins Career and Technical Education Act of 2018 (Perkins V).

Under the 2020 MOP, state agencies are permitted to align civil rights work under both the MOA and the Perkins programs to ensure equal access and success for all students in CTE programs. The objective of aligning both MOA and Perkins V activities, will create a stronger alignment and be more effective overall, and in addition, it will improve the civil rights technical assistance provided to CTE subrecipients in facilitating Voluntary Compliance Plans (VCPs).

This MOA State Plan outlines the longstanding commitment and ongoing effort of OCR and OCTAE to ensure that all students in the State of Nevada, regardless of race, color, national origin, sex, or disability have equal access and opportunities to succeed in CTE programs, and learn necessary skills that can lead to gainful and meaningful employment.

The applicable laws and regulations that apply to the MOA program include:

- Title VI of the Civil Rights Act of 1964 and its implementing regulations at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin.
- Title IX of the Education Amendments of 1972 and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex.
- Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability.

This MOA Plan outlines how Nevada will fulfill the following four (4) required responsibilities under the 1979 MOA *Guidelines*, to prevent, identify, and remedy race, color, national origin, sex, and disability discrimination in subrecipient's CTE programs by:

1. Collecting and analyzing civil rights data and information.
2. Conducting periodic compliance reviews of select subrecipients.
3. Providing technical assistance to subrecipients on request.
4. Periodically reporting activities and findings to OCR.

## INTRODUCTORY INFORMATION

[The Nevada Department of Education \(NDE\)](#), [Office of Career Readiness, Adult Learning and Education Options \(CRALEO\)](#) was the lead agency for developing the State MOA Plan. The [State MOA Coordinator](#) and CRALEO staff were the primary executors in drafting the State MOA Plan. CRALEO, notified the NDE [Office of Inclusive Education \(OIE\)](#), and the [State of Nevada Department of Education, Training, and Rehabilitation– Vocational Rehabilitation \(DETR-VR\)](#) of the Methods of Procedures (MOP) when it was first announced by OCR and OCTAE. The following stakeholders reviewed the draft MOA State Plan for

input and feedback only: NDE [OIE](#) and [Title III](#); Clark County School District, College, Career, Equity & School Choice Unit; Washoe County School District (WCSD), Office for Civil Rights Compliance; and WCSD, Signature Academies and CTE. The Director of the Office of Career Readiness, Adult Learning & Education Options provided the final review and approval of the draft to be submitted to OCR by July 1, 2020 and later submitted to the Nevada State Board of Education to review as an information item only.

## **PLAN FOR PERFORMING OVERSIGHT RESPONSIBILITIES**

### **Civil Rights Data Analysis Overview**

Under the Nevada Perkins V State Plan, performance indicators have been revised in accordance with the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act. New state policies and procedures related to Section II.A were reviewed, and none was found to be discriminatory.

Nevada's subrecipient universe includes both secondary and postsecondary local education agencies (LEAs) receiving Federal Perkins funding. In addition to secondary reviews, one (1) postsecondary will be reviewed every odd numbered year. CTE programs that have at least two courses (concentrators) will be reviewed at selected secondary and postsecondary LEAs.

To prevent, identify, and remedy race, color, national origin, sex, and disability discrimination in subrecipient CTE programs to ensure that subrecipients are complying with the civil rights laws, the MOA Coordinator will conduct oversight based on the following data points:

1. Number of CTE programs
2. Total student enrollment compared to total CTE student enrollment data that includes the following:
  - a. race/ethnicity
  - b. gender
  - c. disability
  - d. English learners
3. Time since last review

Enrollment data will be analyzed to ensure that the percentages of students on the basis of race, color, national origin, sex, and disability enrolled in CTE programs of study are proportionate to the representation of the total student population.

The MOA Coordinator will utilize CTE enrollment data to identify disparities in enrollment and particularly in those programs that lead to high-skill, high-wage, or in-demand occupations. Those with the greatest disparities and at risk for noncompliance will be identified for review, which will be conducted concurrently with Perkins and CTE Quality Program Reviews.

Per Perkins V Section 134 (Local Application and Comprehensive Needs Assessment), each eligible subrecipient will conduct an analysis of their programs' data to identify opportunity gaps not less than once every two years. Their analysis is included in their Local Applications. The MOA Coordinator will examine these Local Applications to examine self-identified opportunity gaps, determine the need to

follow up with subrecipients with possible technical assistance, and verify results to ensure proper analysis is being conducted by local subrecipients.

Per Perkins V accountability requirements, CRALEO provides an annual report of Performance Data and a narrative performance report as a part of the Perkins V required Consolidated Annual Report (CAR). Per the “Guide for the Submission of Consolidated Annual Reports” under Perkins V, the narrative performance report will include a narrative breakdown of performance gaps for all disaggregated students. Examining these reports and continuing that analysis at the local level will allow for identification of gaps in all measures required by Perkins legislation.

### **Processes and Procedures to Conduct Compliance Reviews of Selected Subrecipients**

Under the 1979 MOA *Guidelines*, the MOA Coordinator will upon finding of discrimination, notify subrecipients of steps they must take to attain compliance and attempt to obtain voluntary compliance and will submit findings of unlawful discrimination to OCR as outlined below.

Subrecipients will be selected in the spring for a review based on data collected and reported under Perkins legislation, including enrollment and performance indicators provided in the State CAR. Periodic reviews will be conducted through a combination of on-site and desk monitoring. On-site monitoring will occur in conjunction with CTE Quality Program Review, where possible.

Below are the primary issue areas that will be included in the reviews:

#### **Administrative Requirements**

Recipients need to have certain base requirements in place to comply with the OCR Guidelines, Title VI, Title IX, and Section 504. These basic procedures include an annual public notice, continuous notification, and designation of a person to coordinate activities under Title IX and Section 504, and a grievance procedure that will allow students an avenue for dealing with discrimination from faculty, fellow students, and administrators.

#### **Recruitment, Admissions, and Counseling**

- Recruitment activities and materials convey the message that all career and technical programs are open to all students without regard to race, color, national origin, sex, or disability status. Information about CTE opportunities should be available to all potential students. Promotional materials should avoid stereotyping. Lack of English language skills must not be a barrier to admission and participation in CTE programs. Recruitment teams and recruitment materials should represent persons of different races, national origins, sexes, and abilities to the extent possible.
- Admission policies, procedures, and criteria may not exclude students from CTE programs on the basis of race, color, national origin, sex, or disability. Where admission criteria exclude a disproportionate number of persons of a particular race, color, national origin, sex, or disability, the criteria should be validated as essential to success in the program. Preadmission inquiries about the marital, parental or disability status must be avoided.
- Counseling for CTE programs must not include directing or urging any students toward particular courses or programs that are “traditional” for the student’s race, color, national origin, English language proficiency, sex, or disability status. Services and materials related

to counseling and recruitment must be free of discrimination and stereotyping in language, content, and illustration.

### **Accessibility**

No qualified person with a disability shall be denied the benefits of, be excluded from participation in, or be otherwise discriminated against under a program or activity of a covered entity because the facilities in which the programs, services, or activities are held are inaccessible to or unusable by persons with disabilities.

### **Services for Students with Disabilities**

No qualified person with a disability may be excluded from, denied benefits of, or subjected to discrimination in any course, program, or activity. A subrecipient may not restrict access for students with disabilities to schools, programs, services, and activities because of architectural barriers, equipment barriers, the need for related aids and services, or the need for auxiliary aids. Section 504 and Americans with Disabilities Act (ADA) Title II are based upon the premise that students with disabilities will be integrated with their non-disabled peers to the greatest extent possible.

Below are the types of investigative activities that will be used during a review and may vary depending on issue areas:

- Data
  - Enrollment data
  - Perkins Performance Data
  - Consolidated Annual Report
- Local Applications
- Desk reviews of school publications, website, and policies
- On-site reviews
- Admission requirements and application forms
- Interviews with staff and students

## **SUBRECIPIENT NOTIFICATION AND TIMELINE**

The subrecipient will be notified in writing if selected for a review. A conference call will be scheduled with the subrecipient to provide detailed information which will include reasons for selection, areas that will be reviewed, an explanation of the Voluntary Compliance Plan (VCP), and what materials and local staff will be required in preparation for the review.

The subrecipient will be issued a detailed and substantive Letter of Finding (LOF) within 30 days of the review. The LOF will inform the subrecipient of the issue areas reviewed, the relevant legal standards, any findings of noncompliance, and where corrective actions are needed.

The subrecipient will be provided up to 45 days to respond to the LOF and complete and submit a Voluntary Compliance Plan (VCP). The VCP will be required to have timely remedies for each violation, and must include dates, the person responsible for overseeing the corrective action, the signature of a person with signature authority, and method(s) of verification.

## TECHNICAL ASSISTANCE

The MOA Coordinator will conduct outreach to subrecipients and offer and provide opportunities for subrecipients to request technical assistance to improve access to CTE programs and prevent discrimination, eliminate barriers to access, and boost success for all students.

Technical assistance will also be provided in support of **Nevada's Perkins State Plan, Strategic Goal 2: *Ensure equity of opportunity and access for all students in career pathways aligned to high-skill, high-wage, or in-demand occupations and industry sectors.*** The following are the strategic objectives for Goal 2:

- **Strategic Objective 2.1:** Identify the number of students participating in aligned career and technical education programs by special populations, including, but not limited to: (1) individuals with disabilities; (2) individuals preparing for nontraditional fields; (3) single parents, including single pregnant women; and (4) English learners.
- **Strategic Objective 2.2:** Promote equity and improve access, opportunities, and tools for success to aligned CTE programs of study and career pathways including, but not limited to, career advisement.
- **Strategic Objective 2.3:** Ensure CTE promotional materials reflect the state's demographics when promoting CTE programs of study and career pathways.
- **Strategic Objective 2.4:** Offer technical assistance and/or specialized training (e.g., National Alliance for Partnerships in Equity) to help local education agencies improve their equity of access and opportunity.

The [Nevada CTE Quality Program Standards](#) (QPS) are standards used to define a quality CTE program. These standards demonstrate types of activities that support equity and access for students in Nevada. Up to eighteen subrecipients are selected and monitored each year for a Quality Program Review (QPR) with the purpose of program improvement. The number of staff in CRALEO who participates in reviews is approximately seven (7) with teams of 1-2 staff members conducting on-site reviews. Within 45 days of the review, CRALEO sends the subrecipient a report that provides program improvement feedback and identifies areas in which the subrecipient met or exceeded standards as well as areas that need improvement. The following are QPR standards that address equity and access:

- **Quality Program Standards: 2.0 Program and Instruction**
  - 2.1 Program Accessibility: The CTE program provides equal access for all students (marketing efforts apply to all students; program marketing tools use the appropriate non-discrimination statement; program has diversified enrollment; collaboration with special education and English language teachers and/or facilitators occur for students with an IEP or 504, or who are EL).
- **Quality Program Standard: 2.8 Learning Environment**
  - The learning environment is positive, safe, and organized to accommodate all students

- The learning environment is managed and adjusted to accommodate the needs of all students.
- The teacher reflects on classroom management practices to allocate and coordinate resources, time, and space.
- A variety of classroom management techniques are consistently used to evaluate and facilitate instruction.
- **Quality Program Standard 5.3: Student Recruitment and Sustainability**
  - Special populations are actively recruited.
  - CTE teachers and school counselors collaborate to review/implement recruitment and sustainability ideas.
- **Quality Program Standard 6.0: Facilities, Equipment, and Instructional Materials and Supplies**
  - The facility meets ADA accessibility guidelines.
  - Classroom and lab equipment are properly spaced to ensure accessible pathways
  - The facility allows direct and indirect access.
  - The facility allows for assistive and adaptive technology usage.
  - The district has a corrective action plan for non-compliant items.
- **Quality Program Standard 8.4: Retention and Completion**
  - Barriers preventing students from completing a program of study (i.e., language, disability, gender, etc.)

In addition to these activities, Nevada will utilize the OCR Center for Outreach, Prevention, Education, and Nondiscrimination (OPEN Center) and other resources to provide ongoing technical support to help subrecipients prevent, identify, and remedy unlawful discrimination.

The Nevada State Improvement Plan (STIP) further supports equity and access as values under each goal of the STIP to ensure access to resources needed in order to increase equitable access to CTE programs of study; student enrollment on the basis of race, color, national origin, sex, and disability is proportionate to the representation of the total student population; and the English Learner (EL) enrollment as a percentage of student enrollment in CTE is at least proportional to the percentage of ELs in subrecipient population.

## **REPORTING ACTIVITIES AND FINDINGS TO OCR**

The MOA Coordinator will submit the MOA Biennial Report to OCR by December 31, of every odd numbered year in an attachment to the State's Consolidated Annual Report (CAR) via the Perkins portal. The MOA Biennial Report content will include the following:

- Staff resources in full time equivalent (FTE) for each year of the biennium.
- List of subrecipients reviewed including the dates that the compliance reviews were conducted.
- Letters of Findings (LOFs) and Voluntary Compliance Plans (VCPs) absent from the biennial report with projected submission dates will be noted.



- Monitoring chart.
- Copies of both LOFs and VCPs conducted during the reporting period, and a description of technical assistance activities that were offered to subrecipients to address gaps in access and may include successes or positive outcomes.
- Although not required, may include Federal civil rights resources that should be developed, revised, improved, or eliminated for the benefit of Nevada in administration of CTE and the MOA program.